



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490

August 25, 2015

Walter Fahlenkamp
702 Cunliff Rd.
Goldendale, WA 98620-3216

RE: CS4-63033J@5 - Seasonal Change Authorization to add a point of diversion and change the place of use for 2015 only.

Background

On June 1, 2015, Walter Fahlenkamp submitted a Seasonal Change application requesting to change the point of diversion (POD) and place of use (POU) for Blockhouse Creek Adjudicated Certificate No. 33. This certificate is currently being used to irrigate property owned by George Scheradella and Jean Boardman. This water right, having a priority date of 1909, was confirmed a right to divert 0.50 cubic feet per second (cfs) and 85.5 acre-feet per year (ac-ft/yr) for the purpose of irrigating 25 acres from April 1 through October 31.

The authorized POD is located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16, T. 4 N., R. 15 E.W.M. The POU is located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 16, T. 4 N., R. 15 E.W.M.

The applicant has requested a seasonal change to the POD to a place located in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, T. 4 N., R. 15 E.W.M. The applicant also requests a seasonal change of POU for 25 acres; 15.8 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 9.2 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ all in Section 18, T. 4 N., R. 15 E.W.M. The existing and proposed POD's and POU's are all located within Water Resource Inventory Area (WRIA) No. 30, in Klickitat County, Washington.

The applicant currently owns Surface Water Right No. S4-28705C, which authorizes irrigation from April 1 through June 30 (see below). The POU for Surface Water Right No. S4-28705C is appurtenant to the proposed POU for this seasonal change request. Since this water right is only for the spring and early summer, the applicant requests this seasonal change to allow for the irrigation of a late summer and fall crop of triticale, a cross between wheat and rye. Water for Certificate No. 33 will be diverted from the proposed POD and applied to the proposed POU for irrigation through October 31, 2015.

Water rights appurtenant to the proposed place of use include the following water rights:

Surface Water Right No. S4-28705C

Water Right Holder: Walter K. Fahlenkamp

Use: Irrigation of 35 acres

Period of Use: April 1 through June 30

Quantity: 0.5 cfs, 29.4 ac-ft/yr

Priority Date: June 4, 1985

Point of Diversion: From Blockhouse Creek in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, T. 4 N., R. 15 E.W.M.

Place of Use: 15.8 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 7.2 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, and 12.0 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, all in Section 18, T. 4 N., R. 15 E.W.M.



Surface Water Right No. S4-69034JC

Water Right Holder: Robert E. and Jane Hornibrook

Use: stock water

Period of Use: Continuous

Quantity: 0.01 cfs, 0.19 ac-ft/yr

Priority Date: 1897

Point of Diversion: From an unnamed spring in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18, T. 4 N., R. 15 E.W.M.

Place of Use: The S $\frac{3}{4}$ E $\frac{1}{2}$ of Section 13, T. 4 N., R. 14 E.W.M.; and Section 13, T. 4 N., R. 14 E.W.M., less the N $\frac{1}{2}$ NW $\frac{1}{4}$ of said Section 18.

Surface Water Right No. S4-63013JC

Water Right Holder: R.G. and Phyllis Cunliffe

Use: Stock water

Period of Use: Continuous

Quantity: 0.01 cfs, 0.09 ac-ft/yr

Priority Date: 1897

Point of Diversion: From the mainstem of Blockhouse Creek on to appurtenant lands.

Place of Use: 160 acres in the SE $\frac{1}{4}$ of Section 18, T. 4 N., R. 15 E.W.M.

Impairment

The proposed temporary changes would result in the POD moving approximately 9,250 feet downstream. If this temporary change is approved, there will be 6 POD's located in the intervening reach between the original authorized POD and the proposed new POD. Of the 6 water users, 4 have the same priority date and 2 are junior to the water right proposed for this seasonal change request. A downstream move on the Blockhouse Creek could lead to earlier calls on these 2 junior water users. Therefore, conditioning of this temporary change to not allow a call to cease diversions by these 2 water rights (S4-63055-J and S4-06057C) would be necessary to prevent injury.

This temporary change also requests a seasonal change to the original authorized POU. Due to the fallowing of 25 acres located within the original authorized POU, the requested temporary change in POU would not add additional irrigated acreage to the existing water right.

Conclusions

Based on the above investigation, approval of this seasonal change to the POD and POU will not impair existing rights and will not enlarge the subject right provided the use conforms to the provision listed below:

- 1) This seasonal authorization is for the diversion of 0.5 cfs up to 85.5 ac-ft, from April 1, 2015 through October 31, 2015, and will expire on October 31, 2015.
- 2) Violation of any of the terms and/or conditions of this authorization may result in immediate termination of this authorization and may be subject to formal enforcement actions.
- 3) The POD under this seasonal authorization will be located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, T. 4 N., R. 15 E.W.M., and limited to 0.5 cfs, up to 85.5 ac-ft/yr.
- 4) The POU under this seasonal authorization will be used to irrigate 15.8 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 9.2 acres (25 acres total) in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ all in Section 18, T. 4 N., R. 15 E.W.M.
- 5) This water right may only initiate a call on junior rights when the quantity of water available at the original authorized POD is sufficient to exercise the right.
- 6) In order to prevent enlargement of the water right, water may not be diverted from the new POD during any time when water would not normally be available for diversion at the original POD.

- 7) The Department of Ecology assumes no liability for the purchase and/or construction of any permanent facilities in conjunction with this Seasonal Change Authorization. Applicants for seasonal change should not construe that a seasonal change will result in the granting of a permanent change of water right.
- 8) Where the water source and/or water transmission facilities are not wholly located upon land owned by the applicant, issuance of a water right change authorization by this department does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtaining such a right is a private matter between applicant and owner of that land.
- 9) The applicant and operator of the system under this Seasonal Change Authorization shall:
 - Have a copy of this Seasonal Change Authorization available on-site.
 - Be aware of the parameters and provisions and operate accordingly.
 - Provide said copy as evidence of this authorization upon request by Department of Ecology staff.
- 10) Withdrawal or diversion of water under other rights appurtenant to the POU may be, or will continue to be, limited or otherwise regulated in favor of senior rights.
- 11) An approved measuring device must be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use," WAC 173-173.

WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

Recorded water use data shall be submitted via the Internet. To set up an Internet reporting account, contact the Regional Office. If you do not have Internet access, you can still submit hard copies by contacting the Regional Office for forms to submit your water use data.
- 12) The rule above describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some of the requirements. Installation, operation and maintenance requirements are enclosed or available from Ecology as a document entitled "Water Measurement Device Installation and Operation Requirements".
- 13) Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions, but only to the extent otherwise allowed by law.
- 14) The intake(s) must be screened in accordance with Department of Fish and Wildlife screening criteria (pursuant to RCW 77.57.010, RCW 77.57.070, and RCW 77.57.040). If you have questions about screening criteria contact the:

Department of Fish and Wildlife
Attention: Habitat Program
600 Capitol Way N.
Olympia, WA 98501-1091

Phone: (360) 902-2534

Website:

<http://wdfw.wa.gov/conservation/habitat/planning/screening/>

To obtain technical assistance for your project contact the Yakima Construction Shop at (509) 575-2104.

- 15) This Temporary Change Authorization shall in no way excuse the permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations including those administered by other programs of the Department of Ecology.

Your Right To Appeal

You have a right to appeal this decision to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this decision. The appeal process is governed by chapter 43.21B RCW and chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of this decision:

- File your appeal and a copy of this decision with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this decision on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in chapter 43.21B RCW and chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION	
Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW Ste 301 Tumwater WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia WA 98504-0903

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>

To find laws and agency rules visit the Washington State Legislature Website: <http://www.leg.wa.gov/CodeReviser>

If you have any questions, please contact Jacquelyn Metcalfe by phone at 509-457-7148 or via email at jmet461@ecy.wa.gov.

Sincerely,

Danielle Squachis for Sage Park

Sage Park, Section Manager
Water Resources Program

SP:JMM:SS/150833
WR ID# 6626130

Enclosures: Your Right To Be Heard
Water Measuring Requirements
Fish Screening Requirements

By certified mail: 7010 0290 0000 7131 1996

cc: Philip Rigdon, Director Natural Resources Division Yakama Nation